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14 Attorneys for Defendant
15 SAFEWAY INC.

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA

19 MICHAEL RODMAN, on behalf of himself
20 and all others similarly situated,

21 Plaintiff,

22 v.

23 SAFEWAY INC.,

24 Defendant.

Case No. 11-03003 JST (JCS)

**JOINT STIPULATION AND ~~PROPOSED~~
SCHEDULING ORDER REGARDING
POST-JUDGMENT DEADLINES**

1 Plaintiff Michael Rodman on behalf of himself and the certified Class (“Plaintiff”) and
2 Defendant, Safeway Inc. (“Safeway”) stipulate as follows:

3 WHEREAS, the Court entered final judgment on November 30, 2015;

4 WHEREAS, the Court has set a case management conference for January 20, 2016 to
5 discuss post-judgment proceedings in the case;

6 WHEREAS, Defendant intends to seek a stay of execution of the judgment and bill of
7 costs, and to appeal from the judgment;

8 WHEREAS, Plaintiff intends to file a Bill of Costs, a Motion for an Award of Attorneys’
9 Fees, and a Motion for Discovery Sanctions, as well as other potential post-judgment motions;

10 WHEREAS, the parties are required to meet and confer prior to any Motions for Sanctions
11 and Plaintiff believes that having additional time to do so will facilitate those discussions;

12 WHEREAS, Plaintiff believes that compliance with the requirement of Local Rule 37-4
13 pertaining to motion for sanctions, which requires that Plaintiff itemize with particularity the
14 otherwise unnecessary expenses, including attorney fees, directly caused by the alleged violation
15 or breach, will require substantial investment of time due to the nature of the sanctions he intends
16 to seek;

17 WHEREAS, due to the fact that Safeway intends to file a notice of appeal, Plaintiff
18 believes it would be premature to file a Motion for an Award of Attorneys’ Fees at this time;

19 WHEREAS, Plaintiff believes that, given the necessity to meet and confer concerning any
20 objections to Plaintiff’s bill of costs under Local Rule 54-2, as well as the potential overlap with
21 issues pertinent to Plaintiff’s anticipated Motion for Sanctions, it would be efficient to allow an
22 extension of the deadline to file the bill of costs;

23 WHEREAS, the parties agree that, due to the above issues as well as the intervening
24 holidays before the January 20, 2016 case management conference, it will be beneficial and
25 efficient to defer post-judgment deadlines until a further schedule is set at the January 20, 2016
26 case management conference;

1 WHEREAS, the parties are continuing to discuss issues attendant to staying execution of
2 the judgment during appeal and any associated motion practice;

3 WHEREAS, the parties do not believe an extension of these deadlines will have any
4 impact on ultimate resolution of the case;

5 NOW, THEREFORE, the parties to the above-captioned action hereby stipulate and agree
6 to the following:

7 The deadlines to file any Motion for Sanctions, Motion for Attorneys' Fees, Bill of Costs,
8 and any other post-judgment motions shall be held in abeyance until the case management
9 conference scheduled for January 20, 2016; provided, however, that nothing in this Stipulation and
10 Proposed Order shall be construed as modifying or affecting the deadline for Safeway to file a
11 notice of appeal from the judgment pursuant to FRAP 4. The parties are continuing to discuss
12 issues attendant to staying execution of the judgment during appeal and any associated motion
13 practice, and anticipate that they may submit a further stipulation concerning those issues. The
14 parties shall set out the tasks that remain to be completed in the case and a schedule for their
15 completion (or competing proposed schedules) in their January 13, 2016 joint case management
16 statement.

17 IT IS SO STIPULATED.

18 Dated: December 3, 2015

Dated: December 3, 2015

19 REED SMITH LLP

CHIMICLES & TIKELLIS LLP

20 By: /s/ Jonah D. Mitchell
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MICHAEL RODMAN and the Class

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~~PROPOSED~~ ORDER

Good cause appearing therefore, PURSUANT TO STIPULATION, IT IS ORDERED THAT the case deadlines are modified as follows:

The deadlines to file any Motion for Sanctions, Motion for Attorneys' Fees, Bill of Costs, and any other post-judgment motions shall be held in abeyance until the case management conference scheduled for January 20, 2016; provided, however, that nothing in this Stipulation and Proposed Order shall be construed as modifying or affecting the deadline for Safeway to file a notice of appeal from the judgment pursuant to FRAP 4. The parties shall set out the tasks that remain to be completed in the case and a schedule for their completion (or competing proposed schedules) in their January 13, 2016 joint case management statement.

IT IS SO ORDERED.

Date: December 7, 2015

